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In the United States Patent and Trademark Office

Serial Number: 10/710,832
Appn. Filed: 08/05/2004
Applicant(s): CHIH CHENG WANG
Appn. Title: ERECTKING
Examiner/GAU: NGUYEN, CAMTU TRAN / 3743

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At: New York City, NY

RESPONSE to OFFICE ACTION

Camtu Tran Nguyen, Examiner
TC 3700, Randolph
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is our response to the Office Action mailed on 04/26, 2006. In addition, we provide the inventor's affidavit and patients' survey documents to support our response.

RESPONSE

In the Office Action on April 26, 2006, the claims 2-5 were rejected under 35 U.S.C 103(a) as being unpatentable over Gavrilovich (U.S. Patent No. 3,773,040) in view of Chaney (U.S. Patent No. 5,779,621). We respectfully disagree with the above decision.

1. The invention disclosed in this application is a non-obvious improvement over *Gavrilovich*.

In *Gavrilovich*, an elastic band having the Velcro type attaching units at each end but on opposite sides of the flat portion was disclosed. However, Gavrilovich's disclosure was too general and too vague to achieve an effective treatment of ED: (1) Gavrilovich's patent did not define the physical size of the band; and (2) Gavrilovich's patent did not define the elasticity of the material from which the band is made. These characters of a band are significant and crucial for a satisfied treatment. As stated in the inventor's affidavit, "[s]ince male member is a delicate organ, even slightly variation of the characters from [the] claims in [Erect-king] application could result in a huge difference in treatment effectiveness."

Through more than 20 years of research and clinic practice, the inventor finally came up with the optimal physical dimensions of the band and the optimal elasticity of material from which the band is made. Many patients, who had suffered severe ED for years, have testified that they had tried other ring/band-type devices with little or partial success before they were fully cured with Erect-King band by the inventor. These facts demonstrated that these characters of Erect-King band are non-obvious to one skilled in the art.

In conclusion, although the appearance of the band in *Gavrilovich* is similar to the one disclosed in our application, the invention disclosed in this application is a non-obvious improvement over *Gavrilovich*.